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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,590	10/18/2000	MINORU KATAYAMA	107612	2593

7590 01/02/2002

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P O BOX 19928  
ALEXANDRIA, VA 22320

EXAMINER

CYGAN, MICHAEL T

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 01/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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**Patent and Trademark Office**

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**Commissioner of Patents and Trademarks**

In response to applicant's telephone inquiry regarding the last Office action, the following corrective action is taken.

The reference WO-90-12277 was not correctly cited in the last Office action. The correct citation is shown on the attached PTO-892.

A complete, corrected copy of the last Office Action is enclosed.

Any inquiry concerning this communication should be directed to Michael Cygan at telephone number 703-305-0846.

MTL

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: the specification is replete with minor grammatical errors. Appropriate correction is required.

### ***Drawings***

2. Figures 17 and 18 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated (See Figures 6 and 7 of JP08-029153). This should further be noted in the Brief Description of the Drawings. See MPEP § 608.02(g).

### ***Claim Objections***

3. Claim 3 is objected to because of the following informalities: in line 1, "Claims 1" should appear as "Claim 1"; also, the "inclination adjustment means" of claim 1 is the same as the "swivel adjustment means" – these are disclosed as separate means in claim 2. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 4 and 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 90/12277 (Bielle). Bielle discloses the claimed method and leveling device; see Figure 7 and pages 19-20. Bielle discloses adjusting the orientation of a workpiece by measuring three points on the piece, calculating the difference in the Z-position of the points from a desired position, displaying the correction amount on a screen, and manually operating an adjustment means to correct the orientation. As shown in Figure 7, the device has a fulcrum [15], calculation, output, and adjustment means (pages 19-20).
5. Claims 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Teng (US 5,408,750). Teng discloses the claimed invention, an orientation adjusting method of a workpiece in a surface measurement machine (column 1, lines 1–16 and abstract), movable and rotatable in the X-Y plane (Figure 1), wherein the method comprises measuring positions of the workpiece relative the sensor [20] through an optical detector using lattice scales measuring positions at points along the workpiece, calculating orientation of the workpiece, displaying a correction amount,

and operating manual adjustment means to rotate the workpiece. See column 1, line 45 through column 6, line 5.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peter (Us 6,154,713). Peter discloses a surface texture measuring machine having controller [16] and measurement means [2,4,5,8,9,19,21,22]. Peter discloses the claimed invention except for the use of a manual displacement and adjustment means. However, it would have been obvious to one having ordinary skill in the art to use a manual means rather than an automatic means for displacement and adjustment since the examiner takes Official Notice of the equivalence of manual and automatic means in the positioning and measuring arts, and the use of either means would have been obvious to one having ordinary skill in the art at the time the invention was made.

**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Workpiece orientational correction is disclosed by Baker (US 1,823,719) and Krause (US 3,499,227). Workpiece inclinational correction is disclosed by Potter (US 3,286,353), Konno (US 5,253,429), and Numamoto (JP 57028206A).

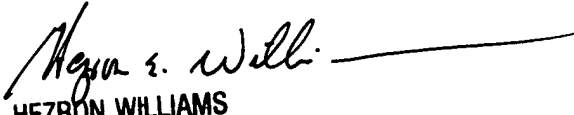
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cygan whose telephone number is 703-305-0846. The examiner can normally be reached on 8:30-6 M-Th, alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on 703-305-4705. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3431.

mtc

mtc  
December 28, 2001

  
HEZRON WILLIAMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

**Notice of References Cited**

Application/Control No.

09/690,590

Applicant(s)/Patent Under  
Reexamination  
KATAYAMA ET AL.

Examiner

Michael Cygan

Art Unit

2856

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number	Date	Name	Classification	
		Country Code-Number-Kind Code	MM-YYYY			
	A	US-1,823,719	09-1931	Baker	33	555
	B	US-3,286,353	11-1966	Potter	33	549
	C	US-3,499,227	03-1970	Krause et al.	33	554
	D	US-5,253,429-A	10-1993	Konno et al.	33	1M
	E	US-5,408,750-A	04-1995	Teng et al.	33	1M
	F	US-6,154,713-A	11-2000	Peter et al.	702	95
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

**FOREIGN PATENT DOCUMENTS**

*		Document Number	Date	Country	Name	Classification	
		Country Code-Number-Kind Code	MM-YYYY				
	N	WO-90-122177	10-1990	WIPO	Bielle	33	551
	O	JP-57028206-A	02-1982	JPX	Numamoto	33	546
	P						
	Q						
	R						
	S						
	T						

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.